

Application No. 09/954,625

13 of United States Patent No. 6,291,759 and claims 1-23 of United States Patent No. 6,291,759.

In response, the Applicants have included herewith a terminal disclaimer in accordance with 37 CFR 1.321(c) to overcome the rejection based on nonstatutory double patenting. The Applicants respectfully request allowance of the application.

Rejections under 35 USC §102

In the Final Office Action dated December 31, 2002, claims 37-40 were rejected under 35 U.S.C. §102(e) as being anticipated by either United States Patent No. 5,668,520, issued to Kinman (hereinafter Kinman '520) or United States Patent No. 6,103,966, issued to Kinman (hereinafter Kinman '966). In addition, claims 22-33 were rejected under 35 U.S.C. §102(e) as being anticipated by either United States Patent No. 5,834,999, issued to Kinman (hereinafter Kinman '999) or United States Patent No. 5,811,710, issued to Blucher et al. (hereinafter Blucher '710). For the reasons set forth below, the Applicants respectfully traverse the rejections and respectfully submit that the amended claims define patentable subject matter over the cited prior art.

For a reference to anticipate a claim under 35 USC §102 the reference must teach every element of the claimed invention. (see MPEP §2131).

Claim 24 of the present application is directed to a pickup for a musical and includes a first wire coil, a second wire coil disposed proximate the first wire coil, at least one magnet disposed at least partially within both the first wire coil and the second wire coil, and a ferromagnetic plate substantially planar over an entire surface thereof disposed intermediate the first wire coil and the second wire coil in a substantially magnetically neutral location between the first and second wire coils.

Claim 37 of the present application is directed to a pickup for a musical instrument and includes a first wire coil, a second wire coil, a ferromagnetic plate substantially planar over an entire surface thereof disposed in a substantially magnetically neutral location between the first wire coil and the second wire coil, wherein the first wire coil and the second wire coil are configured so as to create a humbucking effect.

Application No. 09/954,625

Claim 38 of the present application is directed to a guitar and includes a body and a pickup disposed upon the body. In one embodiment, the pickup comprises a first wire coil, a second wire coil, a ferromagnetic plate substantially planar over an entire surface thereof disposed in a substantially magnetically neutral location between the first wire coil and the second wire coil wherein the first wire coil and the second wire coil are configured so as to create a humbucking effect.

Claim 39 of the present application is directed to a method for forming a pickup for a musical instrument and includes providing a first wire coil, providing a second wire coil, providing a ferromagnetic plate configured to be substantially planar over an entire surface thereof, and assembling the first wire coil, the second wire coil and the ferromagnetic plate such that the ferromagnetic plate is disposed in a substantially magnetically neutral location between the first wire coil and the second wire coil.

Claim 40 of the present application is directed to a method for converting vibrations of strings of a musical instrument into electrical signals representative thereof, and includes providing a pickup comprising a ferromagnetic plate substantially planar over an entire surface thereof disposed between two wire coils, causing at least one string to vibrate so as to vary current in the two wire coils, and humbucking the two coils so as to mitigate noise therefrom.

The Kinman References

The Kinman '966 reference is a continuation in part application of the Kinman '999 reference which is a continuation in part of the Kinman '520 reference. Generally, the Kinman references are directed to transducers for stringed musical instruments and include first coil, a second coil arranged with its axis coincident with the axis of the first coil and in use space below the first coil, a metallic shield made of a magnetically permeable material arranged between the coils, and at least one permanent magnet pole associated with the first and second coils. The magnetic shield includes one or more outwardly directed walls extending over the sides of the coils. In contrast to the embodiments claimed in claims 24 and 37-40 of the present application, the Kinman references fail to teach or suggest a ferromagnetic plate substantially planar over an entire surface thereof and positioned within a magnetically neutral location between the

Application No. 09/954,625

first and second coils. The walls of the magnetic shield extending over the sides of the first and second coils of the Kinman devices cannot, by definition, be positioned within a magnetically neutral position between the coils.

As the Kinman references fail to teach or suggest every element of claims 24 and 37-40, the Applicants respectfully submit that the cited prior art references do not anticipate the rejected claims under MPEP §2131.

The Blucher '710 References

The Blucher '710 references is directed to an electromagnetic pickup device for stringed musical instruments and includes an upper bobbin comprising an upper bobbin body and an upper bobbin coil of wire wrapped around the upper bobbin body, a lower bobbin positioned below and coaxial with the upper bobbin and comprising a lower bobbin body and a lower bobbin coil of wire wrapped around the lower bobbin coil body, an integral plate of ferromagnetic material comprising base disposed between the upper and lower bobbins perpendicular to the coil axes and two side walls and two side walls extending upwardly and perpendicularly from the integral plate, and a magnetic system extending through at least the upper bobbin body and in contact with the base of the integral plate for generating a magnetic field around the bobbin.

Like the Kinman references, the Blucher '710 fails to teach or suggest a ferromagnetic plate substantially planar over an entire surface thereof and positioned within a magnetically neutral location between the first and second coils as disclosed in Claim 24. The vertical walls of the Blucher '710 devices cannot be positioned within a magnetically neutral position between the coils.

As the Blucher '710 reference fails to teach or suggest every element of claim 24, the Applicants respectfully submit that the cited prior art references do not anticipate the rejected claims under MPEP §2131. Further, the Applicants respectfully submit that claims 25-36, which depend on claim 24, are likewise allowable of the cited prior art references.

Application No. 09/954,625

CONCLUSION

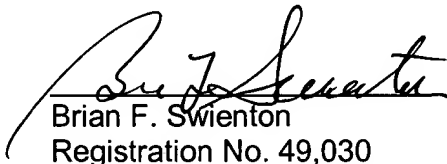
For the foregoing reasons, all claims presently on file in the subject application are in condition for immediate allowance, and such action is respectfully requested.

If it is felt for any reason that direct communication with applicants' attorney would serve to advance prosecution of this case to finality, the Examiner is invited to call the undersigned attorney at the below listed telephone number.

The Commissioner is authorized to charge any fee which may be required in connection with this Amendment to deposit account No. 50-1329.

Respectfully submitted,

June 30, 2003


Brian F. Swienton
Registration No. 49,030
Attorney for Applicants

STRADLING YOCCA CARLSON & RAUTH
660 Newport Center Drive, Suite 1600
Newport Beach, CA 92660
Telephone: 949.725.4198
Facsimile: 949.823.5198